



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

Permit Application

Livestock Waste Management Program

Instructions: PLEASE PRINT. Complete and provide all information as requested. Attach all drawings and plans to this application. If you need assistance with completing this form please call (785) 296-6432 or your local KDHE District Office. Mail completed application to:

**LIVESTOCK WASTE MANAGEMENT SECTION
KDHE - BUREAU OF WATER
1000 SW JACKSON STREET, SUITE 420
TOPEKA, KS 66612-1367**

Department Use Only

Facility ID No. _____

Certification No. _____

Permit No. _____

Date Permit Application Complete: _____

Permit Fee: Yes No

NOTICE: Failure to provide all required documentation at the time of submission of this permit application will result in the entire permit package being returned to the applicant for completion.

FACILITY IDENTIFICATION

1. Name of Applicant: _____ Date: _____

Name of Property owner(s) (if different than Applicant): _____

2. Name of Facility: _____

3. Mailing address: _____

City: _____ State: _____ Zip: _____

4. Facility address (if different): _____

City: _____ State: _____ Zip: _____

5. Business Telephone No.: _____ Home Telephone No.: _____

Cellular Telephone No.: _____ Fax No.: _____

E-Mail address: _____

hereby makes application to the Kansas Department of Health and Environment in conformance with K.S.A. 65-171d et seq. and K.A.R. 28-18-1 through 17, and/or 28-18a-1 through 33.

FACILITY DESCRIPTION

6. Legal description of property where facility is located:

Facility ID	Quarter(s)	Section	Township	Range	County
			South	Circle: E or W	
Facility ID	Quarter(s)	Section	Township	Range	County
			South	Circle: E or W	
Facility ID	Quarter(s)	Section	Township	Range	County
			South	Circle: E or W	

Directions from nearest city or town _____

7. The existing, proposed, and/or expanded livestock operation will consist of: (please indicate **Existing** or **Proposed**)

_____ Open Lots _____ Enclosed Bldg. _____ Both Open/Closed _____ Truck Wash _____ Other

8. Existing and/or proposed waste control systems: (please indicate **Existing** or **Proposed**)

_____ Lagoon _____ Sedimentation Basin _____ Concrete Storage Structure

Other (explain) _____

9. Are there any local comprehensive land use plans or zoning requirements at this site?

Yes _____ No _____.

If yes, please explain: _____

10. Indicate the type and size of equipment available for: 1) land application, and 2) transportation of process waste (in any form: liquid, slurry, or solid), and for each piece of equipment whether it is owned, leased, or contractor provided:

Equipment Description (55 hp tractor, high lift, pto driven pump, manure wagon, honey wagon, center pivot, traveling gun, etc.)	Equipment Purpose (transportation, collection, land application, agitate manure in basin, etc.)	Capacity (gallons per minute, gallons, bushels, acres, cubic yards, etc.)	Owned (O), Leased (L), or Contractor's (C)

ANIMAL UNITS CALCULATION TABLE

Please complete the table below. Be certain to identify all the types of animals that you have at your facility. Each pig, weaned or unweaned, weighing less than 55 pounds must be counted as 0.1 animal units. Similarly, for permitting purposes, dairy facilities must count calves and heifers weighing less than 700 pounds as 0.5 animal units and bulls, and heifers weighing more than 700 pounds as 1.0 animal units. Lactating and dry dairy cattle should be counted as 1.4 animal units, etc.

(A)	(B)	(C)	(D)	(E)
Type of Facility	Maximum Permitted Capacity (Head)	Proposed Expansion or New (Head)	AU Conversion Factor	Maximum Animal Units (B+C) x D
Swine weighing more than 55 pounds			0.4	
Swine weighing 55 pounds or less			0.1	
Cattle weighing more than 700 pounds			1.0	
Cattle weighing less than 700 pounds			0.5	
Mature Dairy Cattle (Lactating and Dry)*			1.4	
Sheep/Lambs/Goats			0.1	
Turkeys*			0.018	
Laying Hens/Broilers w/ continuous overflow watering			0.01	
Laying Hens/Broilers w/ liquid manure system*			0.033	
Chickens (other than Laying Hens) w/ other than liquid manure system* ¹			---	
Laying Hens w/ other than liquid manure system*			---	
Horses			2.0	
Ducks w/ liquid manure system			0.2	
Ducks w/ other than liquid manure system			---	
Other-specify species _____				
Total				

*EPA thresholds requiring an NPDES permit are 1,000 AU of any species except for the following: 700 head of Mature Dairy Cattle, 55,000 head of Turkeys, 30,000 head of Laying Hens/Broilers w/ liquid manure system, 125,000 head of Chickens other than laying hens w/ other than liquid manure system, and 82,000 Laying Hens w/ other than liquid manure system.

¹ Use a 0.033 AU conversion factor if the manure, from chicken facilities that only use dry litter systems, is exposed to precipitation during collection, when stored in stockpiles, or land applied without incorporation into the soil within 12 hours, etc.

SEPARATION DISTANCE WAIVERS AND PUBLIC NOTICE REQUIREMENTS

Habitable Structure Separation Distances: On Appendix 2, list all owners of habitable structures, and the headquarters of all city, county, state, or federal parks, and wildlife refuges within the applicable separation distance for the maximum animal unit capacity of the facility.

	<u>Animal Units (AU)</u>	<u>Habitable structure Separation Distance</u>	<u>Wildlife Refuge Separation Distance (Swine Only)</u>
new facility or expansion	300-999	1,320 feet	
new facility or expansion	1,000-3,724*	4,000 feet	10,000 feet
swine expansion that will meet or exceed	3,725	4,000 feet**	
new swine facility that will meet or exceed	3,725	5,000 feet	16,000 feet

* no ceiling for non-swine

** if within original designated expansion boundary, otherwise 5,000 feet.

The applicant should request owners of habitable structures within the applicable separation distance to sign a waiver of the separation distance to the proposed facility. Waivers shall be filed by the applicant with the register of deeds office of the county in which the habitable structure is located. Evidence of proper notice such as, signed waiver agreements, or signed certified mail receipts to match the list provided in Appendix 2. These shall be provided before KDHE will notify the public a permit has been drafted. A Confined Animal Feeding Facility/Habitable Structure - Separation Distance Agreement form is available upon request from the department or on-line at <http://www.kdheks.gov/feedlots/#links>.

The applicant of a proposed new construction or new expansion of a **swine** facility is required to give notice to all owners of habitable structures within the applicable separation distance, by certified mail, of the applicant's intention to apply for a water pollution control permit. The notice should include pertinent information regarding the location, size, general methods of waste management, and any other information the applicant deems necessary.

ATTENTION: FAILURE TO PROVIDE REQUIRED NOTICE OF APPLICATION FOR A WATER POLLUTION CONTROL PERMIT TO OWNERS OF HABITABLE STRUCTURES, WITHIN THE SEPARATION DISTANCE IS GROUNDS FOR AUTOMATIC DENIAL OF THE PERMIT APPLICATION BY THE SECRETARY OF KDHE

List of Property Owners Within One Mile of the Facility: On Appendix 2a the applicant is required to provide KDHE with a list containing the names and mailing addresses for each owner of a habitable structure or any property within 1 mile of a proposed **new construction or new expansion** of a confined feeding facility. In addition, the applicant of a proposed new construction or new expansion of a confined feeding facility is required to provide KDHE with the address of the United States post office or offices serving the immediate area of the facility.

Public Notice Requirements: Attach all waiver and public notice documentation listed in Appendix 3 to this application.

PRODUCER'S CHECK LIST

For this permit application to be considered complete and ready for the department to review, the applicant must provide the following documentation. Please check and assemble in the order listed. Additional guidance on specific components is available upon request through the Department. Please call (785) 296-6432 or go on-line at www.kdhe.ks.gov/feedlots/ for assistance.

Appendix

Number Document

- _____ 1. Facility Site Maps – see page 7 for details
- _____ 2. List of Habitable Structure Owners within applicable separation distance – see pages 4 and 8 for details
 - _____ 2a. List of Habitable Structures/Property Owners within one mile (proposed new construction or new expansion) – see page 9 for details
- _____ 3. Public Notice Documentation – see page 10 for details
- _____ 4. Depth to Groundwater Information
- _____ 5. Facility Design Calculations
- _____ 6. Construction Drawings*
- _____ 7. Waste Management Plan
- _____ 8. **Swine Facility Plans** (include the following as appropriate):
 - _____ a. Manure Management Plan [Required if 1,000 AU or more]
 - _____ b. Nutrient Utilization Plan [Required if 1,000 AU or more]
 - _____ c. Emergency Response Plan [Required if 1,000 AU or more]
 - _____ d. Odor Control Plan [Required if 1,000 AU or more]
 - _____ e. Dead Swine Handling Plan [Required if 1,000 AU or more]
 - _____ f. Facility Closure Plan [Required if 3,725 AU or more]
 - _____ g. Financial Assurance for Facility Closure [Required if 3,725 AU or more]
 - _____ h. Financial Assurance for Swine Waste-Retention Lagoon or Pond Closure [Required if 3,725 AU or more]
 - _____ i. Ground Water Monitoring Plan [Required for certain swine facilities (see K.A.R. 28-18a-18).]

***Provide detailed location/site plans indicating the following:**

Major components of the facility including structures - building sizes/locations, property lines, locations and sizes (length, width, height - area/volume capacity) of lagoons, dirt lots, pits, and manure stockpile locations. Plans should include type, size and maximum anticipated number of animals in each building and/or dirt lot. Also, depict the furthest extent of the facility boundaries to include areas which may be used for future expansion.

ANNUAL PERMIT FEE

When a permit is required the annual permit fee is based on the facility's maximum number of animal units as listed below and **must be paid before processing** of the permit and annually to maintain the validation of the permit. These fees are non-refundable.

Facility Size in Animal Units (AU)	Annual Permit Fee
999 AU or less	\$25
1,000 to 4,999 AU	\$100
5,000 to 9,999 AU	\$200
10,000 AU or more	\$400
Private Truck Washing Facility (two or fewer owned trucks)	\$25
Private Truck Washing Facility (three or more owned trucks)	\$200
Commercial Truck Washing Facility	\$320

**PLEASE MAKE CHECK PAYABLE TO:
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

SIGNATURE/CERTIFICATION

Swine Facility Consultation Statement: (if applicable)

I, _____, will consult with the KSU county extension agent, or qualified
(Applicant's Name)

agronomist or individual trained in crop protection, to ensure application of swine wastes at agronomic rates and that records of this information will be available at the swine facility office as prescribed in K.S.A. 65-1,179(b)(3)(E).

Applicants Signature: _____ **Date:** _____

Permit Application Certification: (required for all species)

This application is to be signed by one of the following: (1) In the case of a corporation, by the principal executive officer of at least the level of Vice President; (2) in the case of a partnership, by a general partner; and (3) in the case of a sole proprietorship, by the proprietor.

I hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief:

Applicants Name: _____
(Type or Print Name and Title)

Applicants Signature: _____ **Date:** _____

APPENDIX 1

MAPS

Please provide maps and/or aerial photographs showing the following information. You may combine information on maps as long as all required information is clearly identified and provided. It may be necessary to provide maps of different scales in order to accurately depict the required information. This information is required per K.A.R. 28-18-4 and K.A.R. 28-18a-4.

Please provide or identify the following information on a map:

- ☐ Location and layout of the facility **and** facility property lines.
- ☐ Location of all habitable structures within applicable separation distance as defined by K.S.A.65-171d(c)(5).
- ☐ Location of areas at facility used for stockpiling process and animal wastes.
- ☐ Locate and measure distance to draws, creeks, road ditches, etc.*
- ☐ Show direction of surface drainage off lots and surrounding areas.
- ☐ Specify size and type of vegetative filter strips and vegetative buffer if present or proposed.
- ☐ Specify sedimentation basin dimensions and volume capacity if present or proposed.
- ☐ Location of city or rural water district lines within **50 feet** of the facility.
- ☐ Location of all water, oil, gas, or salt solution mining wells on the facility property and within **600 feet** of existing or proposed waste water retention structure.
- ☐ Any streams, drainage channel, or body of water within **one mile** if the facility property lines.
- ☐ Location of public water supply wells within **one mile**.
- ☐ Location of any habitable structure, property lines, or parks within **one mile** of the facility property lines.
- ☐ Locations of proposed/existing land application areas.

In addition for facilities with swine, indicate: (*Minimum separation distances apply to facilities with swine, per K.S.A. 65-1, 180 and K.S.A. 65-1, 194)

- ☐ Location of all public water supply wells within 1,000 feet of the facility property lines.*
- ☐ Location of all private water supply wells within 250 feet of the facility property lines.*

- Indicate at the top of all maps the Facility or Operator Name and County.
- Orient all maps so "North" is at the top of the page and provide a "North Arrow".
- Use of portions of a standard 7.5 Minute USGS Topographical map is recommended. If a USGS Topographical map is used please identify the map sheet name used. USGS maps may be obtained by contacting:

Map Distribution

USGS Map Sales
Box 25286
Federal Center, Building 810
Denver, Colorado 80225
(888) 275-8747
<http://store.usgs.gov/>

Kansas Geological Survey
1930 Constant Avenue
University of Kansas
Lawrence, Kansas 66047
(785) 864-3965

<http://www.kgs.ku.edu/kgs.html>

Kansas Geological Survey
4150 Monroe Street
Wichita, Kansas 67209
(316) 943-2343

Suitable aerial photographs and maps may also be obtained from the local Natural Resources Conservation Services (NRCS). A scaled drawing may also be used.

APPENDIX 2

Habitable Structure Owners List

(habitable structures within the applicable separation distance)

Using the format provided please record the name, address, city, state, zip code of the owner, distance from the facility, and direction from the facility, of **all habitable structures within the applicable separation distance** as determined by the number of animal units for the facility. Habitable structures means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: a dwelling, church, school, adult care home, medical care service, child care facility, library, community center, public building, office building, or licensed food service, or lodging establishment, parks, and wildlife refuge.

Name	Mailing Address (address, city, state, zip)	Distance*	Direction
1.			
2.			
3.			
4.			
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* As measured from the currently planned maximum extent of the facility structures such as building or wastewater lagoons.

APPENDIX 2a

Habitable Structure/Property Owners List

(for proposed new construction or expansion of an existing facility)

Using the format provided please record the name, address, city, state, zip code of the owner, distance from the facility, and direction from the facility, of **all property owners and habitable structures within 1 mile of the facility¹**. Habitable structures means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: a dwelling, church, school, adult care home, medical care service, child care facility, library, community center, public building, office building, or licensed food service, or lodging establishment, parks, and wildlife refuge.

Name	Mailing Address (address, city, state, zip)	Distance*	Direction
1.			
2.			
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* As measured from the currently planned maximum extent of the facility structures such as building or wastewater lagoons.

¹New and expanding **swine** facilities with 1,000 or more AU of swine should also provide this information **for habitable structures within 1,000 feet of any land application area.**

APPENDIX 3

Public Notice Documentation

(for proposed new construction or expansion of an existing facility)

This appendix contains the documentation of the applicant's efforts at giving proper public notice in accordance with K.S.A. 65-171d et seq. Please provide the following:

- ☐ Originals of signed waivers by owners of habitable structures within the applicable separation distance. These must be signed by a notary and filed with the county Register of Deeds.
- ☐ Provide the Department the names and mailing addresses of the following: 1) The United States post office or offices serving the immediate area of the confined feeding facility and 2) each owner of a habitable structure or any property located within one mile of the confined feeding facility.
- ☐ Any other documentation related to public notices.

In addition, swine facilities must provide the following documentation of the applicant's efforts at giving proper public notice in accordance with K.A.R. 28-18a-7(b):

- ☐ Publish a single Notice of Application in the official county newspaper and in any other newspaper regularly published and generally circulated serving the county and general area of the facility, notifying the public of the proposal.*
- ☐ If the facility is within 1 mile of an adjoining county, a single notification shall also be provided in the official newspaper serving the adjoining county.*
- ☐ Submit copy of Notice of Application to County Commission via "Certified Return Receipt" mail.
- ☐ Submit copy of Notice of Application to mayor of any city within 3 miles or less of facility via "Certified Return Receipt" mail.
- ☐ Submit copy of Notice of Application to owners of habitable structures within applicable separation distance via "Certified Return Receipt" mail.
- ☐ Provide a publisher's affidavit of publication, or a certified copy of the Notice of Application from the official county newspaper serving the area of the facility within 20 days of the publication.*
- ☐ Notify KDHE by telephone or facsimile within 2 days of publication of notice in newspaper.*

* not required as part of complete application; however, must be completed and submitted prior to KDHE's publication of intent to issue a draft permit.